

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/643,316	BROOKLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Luke S. Wassum	2167	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' amendment filed 9 August 2004.
2. ☒ The allowed claim(s) is/are 76 and 77.
3. ☒ The drawings filed on 09 August 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

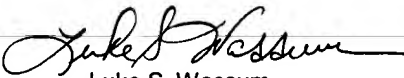
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|--|---|

  
 Luke S. Wassum  
 Primary Examiner  
 Art Unit 2167

## DETAILED ACTION

### *Response to Amendment*

1. The Applicants' amendment, filed 9 August 2004, has been received, entered into the record, and considered.

2. As a result of the amendment, claims 76 and 77 have been amended, and claims 64-75 have been canceled. Claims 1-63 had been previously canceled. Claims 76 and 77 remain pending in the application.

### *Priority*

3. The Applicants' claim to domestic priority under 35 U.S.C. §119(e) to provisional patent application 60/149,855, filed 19 August 1999, is acknowledged.

### *Drawings*

4. The examiner acknowledges receipt of the Applicants' formal drawings, filed 9 August 2004, and comprising amended Figures 3, 4 and 10. These drawings are approved.

### *Claim Rejections - 35 USC § 112*

5. In view of the amendments to claims 76 and 77, the examiner withdraws the pending claim rejections under 35 U.S.C. § 112.

Art Unit: 2167

6. In addition, the examiner appreciates the incorporation of clarifying language regarding the claimed 'logical AND' in claims 76 and 77.

*Allowable Subject Matter*

7. Claims 76 and 77 are allowed.

*Response to Arguments*

8. Applicant's arguments, see response, pages 9 and 10, filed 9 August 2004, with respect to the application of prior art to amended claims 76 and 77 have been fully considered and are persuasive.

In view of the Applicants' arguments, the claims have been allowed.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following reference, while not qualifying as prior art, is of interest:


**Hartman et al.** (U.S. Patent 6,804,664) teaches an efficient way of structuring databases enabling efficient query processing, reduced database storage requirements, and more flexible content targeting.

Art Unit: 2167

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Luke S. Wassum  
Primary Examiner  
Art Unit 2167

lsw  
1 December 2004